

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MOSHIK NADAV TYPOGRAPHY LLC,

Plaintiff,

-against-

20 CIVIL 8325 (JMF)

**JUDGMENT**

BANANA REPUBLIC, LLC,

Defendant.  
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated March 2, 2022, in short, Nadav's amended unfair competition claim falls short for the same reason that its earlier claim fell short: It fails to plausibly allege bad faith. Accordingly, Banana Republic's motion to dismiss must be and is GRANTED. The Court declines to sua sponte grant Nadav leave to amend yet again. See, e.g., *Transeo S.A.R.L. v. Bessemer Venture Partners VI L.P.*, 936 F. Supp. 2d 376, 415 (S.D.N.Y. 2013) ("Plaintiff's failure to fix deficiencies in its previous pleadings is alone sufficient ground to deny leave to amend sua sponte." (citing cases)); *Clark v. Kitt*, No. 12-CV-8061 (CS), 2014 WL 4054284, at \*15 (S.D.N.Y. Aug. 15, 2014) ("A plaintiff need not be given leave to amend [it] fails to specify how amendment would cure the pleading deficiencies in [its] complaint."), *aff'd*, 619 F. App'x 34 (2d Cir. 2015) (summary order). Judgment is entered in favor of Banana Republic.

**Dated:** New York, New York

March 2, 2022

**RUBY J. KRAJICK**

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Clerk of Court

BY:

*Emango*

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Deputy Clerk